

22 July 2020

*By email*

Mr Naylor  
Acting Chief Executive  
Birmingham City Council

Dear Mr Naylor

### **Annual Review letter 2020**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

### **Complaint statistics**

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

**Satisfactory remedies provided by the authority** - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

This year, I issued a public report about your Council involving 17 complaints about the waste collection service. The investigation found there were repeated failures to collect household waste, recycling, and garden waste from across the city on the scheduled day or promptly when collections were missed. In several instances this problem was exacerbated by the Council's failure to properly investigate the complaint. Several cases related to disabled and vulnerable adults receiving assisted collections. The impact of the failings in those cases was even more significant.

The Council was asked to apologise and make payments to each of the complainants, and where there were ongoing problems, to monitor future collections. It was also asked to carry out a review of lessons learned. I am pleased the Council accepted the findings and recommendations and has provided evidence of compliance, including an independent review of the waste collections services.

It is therefore disappointing that we have continued to receive many complaints about similar, ongoing problems with the waste collection service. I hope as new procedures and working practices embed, we will see reductions in the number of complaints being registered with us.

I also issued a report about your Council's failure to properly consider an application for support for transport for a young man to his post-19 education placement. The young man's mother was forced to take her son to college for a full academic year, even though he had severe difficulties, and this put her at risk. However, despite the mother's requests for support and medical professionals stating the Council's approach was causing distress, she was met with delay and further obstacles, including when pursuing the complaint, when she had to engage solicitors before receiving a response.

Several recommendations were made to remedy the injustice caused to the young man and his mother and to reduce the risk of others being similarly affected in the future. I am pleased the Council provided evidence of full compliance. It is positive to see the Council's willingness to change policy wording to include the possibility of 'backpay' in cases of serious delay and I hope this will encourage speedy resolution of these types of transport support applications in the future. I also welcome the changes the Council made to the policy which should mean those who need support are not discouraged from applying for help.

It is pleasing that we recorded our satisfaction with your Council's compliance in the cases where we recommended a remedy. However, it is disappointing that in 30 cases remedies were not completed within the agreed timescales. In a planning complaint, it took three and a half months longer than required to provide the necessary evidence and in a school transport complaint, it took five months. I acknowledge the pressures councils are under, but such delays can add to the injustice already suffered by complainants. Additionally, the actions you agree to take, and your performance in implementing them, are reported publicly

on our website, so are likely to generate increased public and media scrutiny in future. I would ask the Council to consider the way it implements remedies with a view to reducing delay in future.

### **Resources to help you get it right**

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

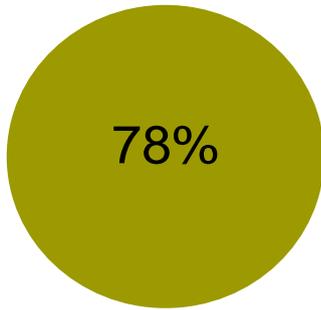
We were pleased to deliver six children's social care complaint handling courses to your staff during the year. I welcome your Council's investment in good complaint handling training and trust the courses were useful to you.

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

### Complaints upheld



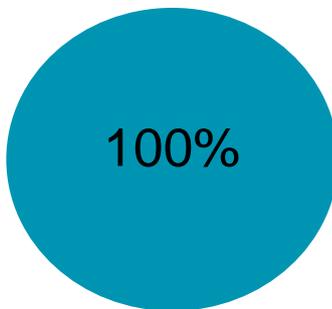
**78%** of complaints we investigated were upheld.

This compares to an average of **67%** in similar authorities.

**119**  
upheld decisions

Statistics are based on a total of 153 detailed investigations for the period between 1 April 2019 to 31 March 2020

### Compliance with Ombudsman recommendations



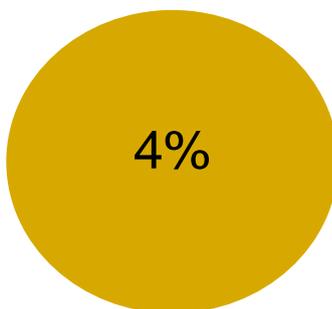
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **100%** in similar authorities.

Statistics are based on a total of 114 compliance outcomes for the period between 1 April 2019 to 31 March 2020

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedies provided by the authority



In **4%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **11%** in similar authorities.

**5**  
satisfactory remedy decisions

Statistics are based on a total of 153 detailed investigations for the period between 1 April 2019 to 31 March 2020